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Amendment #4 of Decision 94-10
New View Neighborhood Development
December 2, 2014



Planning Board

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**AMENDMENT #4
OF DECISION 94-10**

New View Neighborhood Development
(New View Development Corporation)
Planned Conservation Residential Community Special Permit

December 2, 2014

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to New View Development Corporation (hereinafter the Applicant) dated August 22, 1994, amended on May 9, 1995, June 11, 1996, and September 12, 2006 (hereinafter the Original Decision).

This amendment is in response to the request of New View Development Corporation to add the use of "agriculture" to Common Land Parcel 1A on the PCRC Land Use and Parcel Description on the Plan (Sheet MP 1.1) and within the Master Deed Section 10, and to approve an 8'x10' chicken coop on Parcel 1A.

The Applicant presented the requested modification to the Board at a duly noticed public hearing on December 2, 2014. Board members Jeff Clymer (Chair), Michael Dube, Roland Bourdon, Derrick Chin, and Ray Yacouby were present. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

1 EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

- 1.1 A memo from Dan Groher, President of New View Condominium Trust Board of Trustees, dated October 14, 2014.
- 1.2 Supplemental information provided by Kate Crosby, received October 31, 2014:
 - Proposed amendment to New View Condominium Master Deed (excerpt – Section 10);
 - Chart of Common Land Parcels and allowed uses;
 - New View Site Plan (partial view);
 - Plan showing the site of proposed chicken coop;
 - Certified Abutters list.
- 1.3 Interdepartmental communication received by:
 - Acton Fire Department, dated 11/06/14;
 - Acton Engineering Department, dated 11/06/14;
 - Acton Planning Department, including PCRC common land use description on plan sheet MP 1.1 and plan showing the trail easement location, dated 11/20/14;

2 FINDINGS AND CONCLUSIONS

- 2.1 Zoning Bylaw Section 9.6.3.2 allows "agriculture" as an allowed use in the Planned Conservation Residential Community Common Land.
- 2.2 The applicant has explained the need for the proposed chicken coop shown in concept its proposed location on Parcel 1A.
- 2.3 The Original Decision required a year round trail easement to allow foot traffic access between Central Street and the Cacciatore Conservation Land. An Easement Agreement is on file at the Registry of Deeds as book 35599 page 111. The trail is located on Parcel 1A.
- 2.4 Based upon its review of the exhibits and the record of the proceedings the Board finds and concludes that the proposed Plan and Master Deed modifications have raised no concerns among reviewing Town Departments.

3 BOARD ACTION

Therefore, the Board voted at the meeting to **APPROVE** the requested modifications and to allow the proposed 8'x10' chicken coop in the approximate location on Parcel 1A.

4 CONDITIONS

- 4.1 Prior to erecting the chicken coop, the Applicant shall provide to the Zoning Enforcement Officer, a plan drawn to scale depicting the chicken coop in the proposed location, and amend the Condominium Master Deed and Plan (Sheet MP 1.1) to allow "agricultural" on Parcel 1A.
- 4.2 Agricultural uses on Parcel 1A, shall not impact the 10' wide year round pedestrian trail easement (Book 35599/Page 114).
- 4.3 Agricultural uses on the site shall be in compliance with the applicable law and regulations protecting wetlands in the Town of Acton under Bylaw Chapter F.
- 4.4 Other approvals or permits required by the Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this decision.
- 4.5 Except as modified herein, the Original Decision, and the plan approved thereunder, shall remain in effect.

- 4.6 This Decision and the amended Master Deed shall be recorded at the Middlesex South District Registry of Deeds or filed in the Land Court Registration Office as applicable.

5 **APPEALS**

Appeals, if any, shall be made pursuant to MGL, Ch. 40A, S. 17 and shall be filed within 20 days after the date of filing this decision with the Town Clerk.

Signed on behalf of the Acton Planning Board



Roland Bartl, AICP, Planning Director
for the Town of Acton Planning Board

This is to certify that the 20-day appeal period on this decision has passed and there have been no appeals made to this office.

Eva Szkaradek, Town Clerk

Date

Copies to:

Applicant
Town Engineer
Town Clerk
Town Assessor

Building Commissioner
Municipal Properties Director
Natural Resource Director
Acton Community Housing Corporation

Board of Health
Town Manager
Fire Chief